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- CORPORATION LAW, INFLUENCE OF RAILROAD DECISIONS IN. *Richard Selden Harvey*. 15 Am. Lawyer 315.
- INTENT, THEORY OF THE ADMISSION OF OTHER ACTS THAN THOSE CHARGED TO SHOW. *Anon.* 5 The Law 327.
- JUSTICES OF THE PEACE, THE LIABILITY OF. *W. W. Lucas*. Classifying the cases in which justices of the peace may be liable criminally or civilly. 33 L. Mag. and Rev. 22.
- LETTING AND SUBSEQUENT SALE: ESTATE AGENTS' COMMISSIONS. *J. K. F. Cleave*. 33 L. Mag. and Rev. 48. See *supra*.
- LIFERENT, GIFTS OF, UNDER POWERS OF APPOINTMENT. *John S. Mackay*. Urging the adoption in Scotland of the English rule that a void remainder under a power of appointment should not invalidate an otherwise good life estate. 19 Jurid. Rev. 245.
- MATRIMONIAL DOMICIL. *Anon.* 11 Bench and Bar 37. See *supra*.
- METHODS FOLLOWED IN GERMANY BY THE HISTORICAL SCHOOL OF LAW. *Rudolph Leonhard*. 7 Colum. L. Rev. 573.
- PATENT LAW. *Edmund Wetmore*. Advocating the creation of a patent court of appeal. 17 Yale L. J. 101.
- PEACE CONFERENCE, THE SECOND. *A. H. Charteris*. Discussing, among other results of the Conference, the proposed international prize court. 19 Jurid. Rev. 223.
- POWERS OF SALE AS AFFECTING RESTRAINTS ON ALIENATION. *Frederick Dwight*. 7 Colum. L. Rev. 589. See *supra*.
- RAILROAD RATE REGULATION. *Herbert S. Hadley*. Discussing a method for determining when a rate is reasonable. 7 The Brief 175.
- RAILWAY RATES, THE APPLICATION OF JUDICIAL REMEDIES IN THE REGULATION OF, BY PUBLIC AUTHORITY. *Fred K. Nielsen*. Contending that the Commission should be merely an advisory body. 65 Cent. L. J. 385.
- SYSTEMS IN LEGAL EDUCATION. *John Wurts*. Attacking the case system for its lack of preliminary dogmatic teaching. 17 Yale L. J. 86.
- TREATIES, FEDERAL, AND STATE LAWS. *Charles Noble Gregory*. A general discussion. 6 Mich. L. Rev. 25.

II. BOOK REVIEWS.

THE RULES OF PRACTICE IN THE UNITED STATES COURTS. ANNOTATED.
By William Whitwell Dewhurst. New York: The Banks Law Publishing Company. 1907. pp. 775. 8vo.

In the December issue of the REVIEW, Professor Kales dolefully pictured the lack of practical equipment with which the student leaves the Harvard Law School. We wonder that he made no point of the Harvard case-book graduate's total ignorance, not only of the nature of the rules of practice, but even of their very existence. For we gratefully confess that those congeries of irritations known as Rules of Court (having all the force of laws) were kept from us by an "ideal" faculty—a jogged memory recalls faintly only Equity Rule 94. But there they are, these rules, in all their minutiae, grim realities of practice, and we are indebted to Mr. Dewhurst for his compilation of the most extensively applicable sets of rules. The collection is not so comprehensive as its title, for it contains only the rules promulgated by the Supreme Court and the circuit courts of appeal, and does not embrace the additional rules adopted by the various district and circuit courts under § 918 of the Revised Statutes.

The old rules of the Supreme Court, and the rules revised at the December term, 1858, are given without annotations. Then follow the present Supreme Court rules; the rules of the circuit courts of appeal, formed by combining the rules of the First Circuit with the variations and additions of the other circuits; the equity rules; the admiralty rules; the rules relating to appeals from the Court of Claims to the Supreme Court; and the general orders in bankruptcy prescribed by the Supreme Court under the Act of 1898. Each of these rules is separately set forth with annotations of its history and source,

followed by summaries of the important or typical cases construing or applying it. There are two indices to each set of rules — a title-and-number index and a subject index. In addition, the *addenda* contain the judiciary acts from the Act of 1789 to date. We miss only the recent act giving the government a limited right of appeal in criminal cases. Besides some straggling forms there are scattered, here and there, unpretentious and incomplete collections of statutes and decisions on the jurisdiction of federal courts, which (particularly in view of Mr. Rose's recent treatise) are of little use.

In so far as Mr. Dewhurst attempted a serviceable edition of the chief body of federal rules of practice, as expressed in rules of courts and not embodied in statutes, he has largely accomplished his purpose. For such an undertaking accuracy, thoroughness, and ease of reference are indispensable. We have had occasion to make practical use of the "Rules" and found it both accurate and complete. Also, after a careful examination, it compares favorably with the treatment of the rules in Rose's Code of Federal Procedure. For instance, the subject indices are even fuller than Rose's. The latter treatise is much wider in scope, welding statutes and rules of court into one comprehensive code; the present book is not therefore displaced by Rose and has an independent usefulness. Yet this compilation is somewhat lacking in scholarship, arrangement, and analysis. Thus, there might well be a general introductory note on the scope and history of each body of rules. In a future edition, too, the annotations should be topically classified, dealing as they frequently do with different portions of a rule, instead of spreading the cases all in a heap, at times, over ten pages. See pp. 49, 74, 190, 202. We also miss a table of cases, though in a work of this character, particularly in view of the complete indices, it is not indispensable. On the whole, this collection should lighten the irksome drudgery of the federal practitioner.

F. F.

THE LAW OF TAXATION BY SPECIAL ASSESSMENTS. By Charles H. Hamilton. Chicago: George I. Jones. 1907. pp. lxxxv, 937. 8vo.

The true text-book should not be primarily an index to the decisions — that is the peculiar function of the digest. The object of the text-book is rather to set forth, as a digest never can, the fundamental principles of the law of the subject and to show the relations of the decisions to these principles. It cannot be said that "Hamilton on Special Assessments" fully meets this test. The author is to be congratulated for having produced a comparatively exhaustive work on an important subject which has seldom received independent treatment. In its order of arrangement the book moves along the logical line of development: the first part is devoted to a consideration of the nature of special assessments and of the power of the state to levy them; then follow several chapters on the proceedings essential to a valid assessment; and finally, come chapters on the "Duties, Rights, and Remedies of the Taxpayer" and on "Reassessments and Proceedings to Validate Void Assessments." But it is a cause for regret that the mass of material which the author has brought together has not been so used as to result in something more than a useful compilation of authorities. The subject is one which peculiarly demands a writer who can speak "as one having authority," and who can extract from the confused and often contradictory decisions the broad principles which underlie the whole. Yet a reading of Mr. Hamilton's book fails to give an impression of power. The author has not so much mastered the cases, apparently, as he has been mastered by them. It is true that he now and then dissents vigorously from some particular decision, but there is little evidence of effort to bring the disconnected authorities into anything like organic unity.

As an example of this lack of grasp may be noted the treatment of the two leading cases of *Norwood v. Baker* (172 U. S. 269), and *French v. Barber Asphalt Paving Co.* (181 U. S. 324). Though the former is cited twelve and the latter at least seven times, there is no attempt to show exactly how the later decision restricts the earlier one. The author evidently sympathizes